

## **REMARKS**

Claims 1-32 are pending and stand rejected. Claims 1, 3-5, 7-11, 13, 18, 20-22, 24, 29, 31, and 32 are amended by way of this amendment to clarify the subject matter of the invention. All pending claims, as amended, are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

### **Rejections Under 35 U.S.C. §101**

Claims 1-10 and 22-32 stand rejected under 35 U.S.C. §101. However, in claims 1-10, the term “module” is replaced by “device” to clarify the claims. In addition, in addition, in claims 22-32, claim 22 is amended to recite that the computer program product is “embodied on a tangible computer-readable medium.”

Withdrawal of the rejection of claims 1-20 and 22-32 under 35 U.S.C. §101 is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 1-32 stand rejected under 35 U.S.C. §112, second paragraph. In claims 1, 11, “the” is deleted from “the available replacement machines.” In claims 9, 20, and 31, “another copy” is replaced with “a copy.”

Withdrawal of the rejection of claims 1-32 under 35 U.S.C. §112, second paragraph is respectfully requested.

Claims 9, 10, 20, 21, 31, and 32 stand rejected under 35 U.S.C. §112, first paragraph.

With respect to claims 9, 20, and 31, these claims generally recite that a replacement device is configured to copy data from a copy of the failed machine into the replacement machine. In other words, it is the data stored on the copy of the failed machine that is being copied. Such data may include, for example, the server applications. It is believed that the language is consistent with the descriptions in the specification.

With respect to claims 10, 21, and 32, these claims are amended to clarify that the failed machine and the copy of the failed machine include components such as a front end server, a load balancer, an index server, and/or a cache server.

Withdrawal of the rejection of claims 9, 10, 20, 21, 31, and 32 under 35 U.S.C. §112, first paragraph is respectfully requested.

### **Claim Objections**

Claims 3, 13, and 24 are objected to because of the phrase “the other machines.” The phrase “the other machines” is replaced by “the machines other than the failed machines” as suggested by the Examiner.

Withdrawal of the objections to claims 3, 13, and 24 is respectfully requested.

### **Rejection Under 35 U.S.C. §102(e)**

Claims 1-17, 20-28, 31, and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Thomas.

Each of independent claims 1, 11, and 22, as amended, generally recites that a replacement machine is identified from a plurality of available replacement machines. In addition, this identification is based on a comparison of the configuration information for the failed machine to those for the available replacement machines.

In contrast, Thomas discloses a system in which a failed blade is manually removed (block 802 in FIG. 8 and paragraph [0057]) and a new replacement blade is installed (block 804 in FIG. 8 and paragraph [0058]). Thomas does not select the replacement blade from several possible replacement blades. Rather, the one new replacement is the only one that is available to the blade manager (e.g., the blade manger detects the replacement blade at block 806 in FIG. 8 and paragraph [0059]).

Because Thomas only inserts a single new replacement blade when there is a failed blade to be replaced, Thomas also does not perform a comparison of the configuration information for the failed blade to the configuration information for the plurality of the available replacement machines, as generally recited in the claims. See also, block 810 in FIG. 8 and paragraph [0062] as well as block 816 in FIG. 8 and paragraph [0064].

As is evident, Thomas does not disclose or suggest each and every element of the independent claims 1, 11, and 22.

Withdrawal of the rejection of independent claims 1, 11, and 22 as well as claims dependent therefrom under 35 U.S.C. §102(e) is respectfully requested.

### **Rejections Under 35 U.S.C. §103**

Claims 18 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Bossen. Claims 19 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Myers Jr. et al.

However, dependent claims 18, 19, 29, and 30 are believed to be allowable at least because the independent claims from which they variously depend are allowable as discussed above.


In view of the foregoing, withdrawal of the rejection of claims 18, 19, 29, and 30 under 35 U.S.C. §103(a) is respectfully requested.

### **CONCLUSION**

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-1217** (Order No. **GOOGP024**).

Respectfully submitted,



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